

2013 DRAFTING REQUEST

Bill

Received:	1/8/2014	Received By:	agary
Wanted:	As time permits	Same as LRB:	-3731
For:	André Jacque (608) 266-9870	By/Representing:	Jamie Julian
May Contact:		Drafter:	agary
Subject:	Transportation - traffic laws	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**
 Requester's email: **Rep.Jacque@legis.wisconsin.gov**
 Carbon copy (CC) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Enhanced penalty for failure to stop for school bus displaying flashing red lights if violation results in bodily harm, great bodily harm, or death

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 1/8/2014	jdye 1/9/2014		_____			
/1			rschluet 1/9/2014	_____	srose 1/9/2014	srose 1/9/2014	Crime

FE Sent For:

None

<END>

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1/?	agary	1/9 jld	jd	rs			
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FE Sent For:

<END>

Gary, Aaron

From: Julian, Jamie
Sent: Wednesday, January 08, 2014 11:46 AM
To: Gary, Aaron
Cc: Albers, Sheryl
Subject: RE: LRB 3731: bus bill

Hi, I don't believe there was an issue with the rest of the bill. So, in changing the three categories of harm to G, H and I I believe we should be okay - /1 is find.

Thanks,

Jamie Julian

Office of Rep. André Jacque
2nd Assembly District

Room 123 West
State Capitol
P.O. Box 8952
Madison, WI 53709

(608) 266-9870

From: Gary, Aaron
Sent: Wednesday, January 08, 2014 11:26 AM
To: Julian, Jamie
Cc: Albers, Sheryl
Subject: RE: LRB 3731: bus bill

Hi Jamie and Sheryl,

I have entered the request for Rep. Jacque as LRB-3926. Do you want these two drafts to be introducible "/1"s or a "/P1" (-3926) and "/P2" (-3731)?

Thanks. Aaron

From: Julian, Jamie
Sent: Tuesday, January 07, 2014 3:49 PM
To: Gary, Aaron
Cc: Albers, Sheryl
Subject: LRB 3731: bus bill

Hi Aaron:

Rep. Jacque will be the assembly lead on this bill so we would like a companion bill drafted for the assembly.

Also, the penalties drafted in the current bill should change (in both versions). Currently the penalties are based on child neglect and separated into three categories based on bodily harm, great bodily harm and death.

You can keep these categories of harm but please draft the penalties on par with reckless/negligent driving: Death – class G/Great bodily harm – class H/Bodily harm – class I.

Thank you. Let me know if you have any questions. Feel free of course to email Sheryl if you need to establish permission to make the changes with the Sen. Schultz office.

Sincerely,

Jamie Julian

Office of Rep. André Jacque
2nd Assembly District

Room 123 West
State Capitol
P.O. Box 8952
Madison, WI 53709

(608) 266-9870



State of Wisconsin
2013 - 2014 LEGISLATURE

500w

-3926/1



LRB-2013-00000
ARC/jld/rs

KEEP

in
1/8

RMNR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2013 BILL

✓ Regen

- 1 AN ACT *to renumber and amend* 346.49 (2); and *to create* 346.49 (2) (b), (c) and
- 2 (d) of the statutes; **relating to:** the penalty for failing to stop for a school bus
- 3 displaying flashing red warning lights and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law requires motorists who approach a school bus that is stopped and displaying flashing red lights to stop their approaching vehicles not less than 20 feet from the bus and to remain stopped until the bus resumes motion or the bus driver extinguishes the flashing red lights, unless the school bus is on the opposite side of a divided highway. With certain exceptions, the operator of a school bus must activate the flashing red lights at least 100 feet before stopping to load or unload pupils or other passengers and may not extinguish these lights until loading or unloading is completed and anyone who must cross the highway is safely across. A motorist who violates the requirement to stop for a school bus displaying flashing red lights may be required to forfeit not less than \$30 nor more than \$300.

This bill creates a penalty enhancement for failure to stop for a school bus displaying flashing red lights if the failure to stop results in bodily harm, great bodily harm, or death to another. Under the bill, the penalty is as follows: 1) if the failure to stop results in bodily harm, the violation is a Class H felony, punishable by a fine not exceeding \$10,000 or imprisonment not exceeding six years or both; 2) if the failure to stop results in great bodily harm, the violation is a Class F felony, punishable by a fine not exceeding \$25,000 or imprisonment not exceeding 12.5 years or both; or 3) if the failure to stop results in death, the violation is a Class D felony, punishable by a fine not exceeding \$100,000 or imprisonment not exceeding 25 years or both.

three and one-half

*

\$10,000

\$25,000

ten

I =

H =

six

G =

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 346.49 (2) of the statutes is renumbered 346.49 (2) (a) and amended to read:

346.49 (2) (a) ~~Any~~ Except as provided in par. (b), (c), or (d), any person violating s. 346.455 or 346.48 may be required to forfeit not less than \$30 nor more than \$300.

SECTION 2. 346.49 (2) (b), (c) and (d) of the statutes are created to read:

346.49 (2) (b) If a person violates s. 346.48 (1) and the violation results in bodily harm, as defined in s. 939.22 (4), to another, the person is guilty of a Class ~~H~~^D felony.

(c) If a person violates s. 346.48 (1) and the violation results in great bodily harm, as defined in s. 939.22 (14), to another, the person is guilty of a Class ~~E~~ F felony

(d) If a person violates s. 346.48 (1) and the violation results in death to another, the person is guilty of a Class ~~D~~² felony. *G*

SECTION 3. Initial applicability.

(1) This act first applies to violations of section 346.48 (1) of the statutes that occur on the effective date of this subsection.

(END)

Barman, Mike

From: Julian, Jamie
Sent: Thursday, January 09, 2014 2:12 PM
To: LRB.Legal
Subject: Draft Review: LRB -3926/1 Topic: Enhanced penalty for failure to stop for school bus displaying flashing red lights if violation results in bodily harm, great bodily harm, or death

Please Jacket LRB -3926/1 for the ASSEMBLY.

Barman, Mike

From: Julian, Jamie
Sent: Thursday, January 09, 2014 3:41 PM
To: Gary, Aaron; Barman, Mike
Cc: Albers, Sheryl
Subject: RE: Companion Bill Request ... Draft Review: LRB -3926/1 Topic: Enhanced penalty for failure to stop for school bus displaying flashing red lights if violation results in bodily harm, great bodily harm, or death

My apologies – I did not mean to send them both over to you.

Jamie Julian

Office of Rep. André Jacque
2nd Assembly District

Room 123 West
State Capitol
P.O. Box 8952
Madison, WI 53709

(608) 266-9870

From: Gary, Aaron
Sent: Thursday, January 09, 2014 2:45 PM
To: Barman, Mike; Julian, Jamie
Cc: Albers, Sheryl
Subject: RE: Companion Bill Request ... Draft Review: LRB -3926/1 Topic: Enhanced penalty for failure to stop for school bus displaying flashing red lights if violation results in bodily harm, great bodily harm, or death

Hi Mike, The senate companion is LRB-3731/1.

Sheryl, should we jacket LRB-3731 for Sen. Schultz?

Thanks.

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Barman, Mike
Sent: Thursday, January 09, 2014 2:28 PM
To: Julian, Jamie
Cc: Gary, Aaron
Subject: Companion Bill Request ... Draft Review: LRB -3926/1 Topic: Enhanced penalty for failure to stop for school bus displaying flashing red lights if violation results in bodily harm, great bodily harm, or death

We received your request to jacket LRB-3926/1 for both the Senate and the Assembly.

Drafts can only be jacketed for one house. I will inform the drafting attorney (ARG 261-6926) you wish to have a "companion bill" (new LRB number) drafted for the Senate.

We will go ahead and jacket LRB-3926/1 for the Assembly and send it over to your office later today.

Please contact us if you have any questions.

Thanks,

Mike Barman (Lead Program Assistant)

State of Wisconsin - Legislative Reference Bureau - Legal Section - Front Office

1 East Main Street, Suite 200, Madison, WI 53703

(608) 266-3561 / mike.barman@legis.wisconsin.gov

From: Julian, Jamie

Sent: Thursday, January 09, 2014 2:12 PM

To: LRB.Legal

Subject: Draft Review: LRB -3926/1 Topic: Enhanced penalty for failure to stop for school bus displaying flashing red lights if violation results in bodily harm, great bodily harm, or death

Please Jacket LRB -3926/1 for the SENATE.